



**CITY OF MORGAN HILL  
COUNCIL CHAMBERS**

17555 PEAK AVENUE   MORGAN HILL   CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, FEBRUARY 20, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL & REGULAR MEETING,**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

*A Special Meeting is called at 6:00 P.M. for the purpose of  
conducting Closed Sessions.*

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**Dennis Kennedy, Mayor**

**6:00 P.M.**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/ Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/ Agency Secretary Torrez)

## ***City Council Action***

### **CLOSED SESSIONS:**

1.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

## ***City Council and Redevelopment Agency Action***

2.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: USDC Northern California No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8

Real Property Involved: Lot 28 of Catherine Dunne Ranch, Map No. 7 located at 1250 Barrett Avenue (APN 817-13-017)

Negotiating Parties:

For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services

For Property Owners: Virginia Lomanto Trustee

Closed Session Topic: Acquisition of Real Property

4.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)

Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.

Case No: C 01-20976 PVT, United States District Court, Northern District of California

Attendees: City Council, City Manager, City Attorney

5.

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8

Real Property Involved: APNs 773-06-008 & 009, 905 West Main Avenue, 24.54 acres

Negotiating Parties:

For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of  
Business Assistance & Housing Services  
For Property Owners: Virginia Acton 1993 Trust  
Closed Session Topic: Acquisition of Real Property

**6.**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR**

Legal Authority: Government Code 54956.8  
Real Property Involved: 8.65 acre parcel located approximately 431± feet north of Dunne Avenue,  
between Condit Road and Highway 101 (APN 728-17-019)  
Negotiating Parties:  
For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel; Director of  
Business Assistance & Housing Services  
For Property Owners: Horizon Land Inc.  
Closed Session Topic: Acquisition of Real Property

**7.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Government Code section 54956.9(a)  
Name of Cases (3) : Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States  
EPA; Santa Teresa Citizens Action Group et al. v. California Energy Commission; Santa Teresa Citizens Action  
Group et al. v. California Energy Commission;  
Case No/Court (3) : Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil No. 01  
CS 01830; California Supreme Court Case No. S 103019  
Attendees: City Manager, City Attorney

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION:**

**RECONVENE:**

**CLOSED SESSION ANNOUNCEMENT:**

**7:00 P.M.**

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CERTIFICATE OF RECOGNITION**

*Ida Robinson*

**CITY COUNCIL REPORT**

Council Member Sellers

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #8 and Agenda Items #9 through #10 may be acted upon with one motion, a second and the vote, by each Respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

<b>Time Estimate</b>	<b>Page</b>
<b>Consent Calendar: 1 - 10 Minutes</b>	
1) <b><u>MONTHLY 2002 FINANCE AND INVESTMENT REPORT</u></b> .....	<b>1</b>
<b><u>Recommended Action(s):</u> <u>Accept and File</u> Report.</b>	
2) <b><u>ACCEPTANCE OF FISCAL YEAR 2001-2002 WORKPLAN UPDATE</u></b> .....	<b>27</b>
<b><u>Recommended Action(s):</u> <u>Accept</u> FY 2001-02 Workplan Update Report.</b>	
3) <b><u>APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES CONTRACT WITH HARRIS AND ASSOCIATES FOR DESIGN AND CONSTRUCTION MANAGEMENT/INSPECTION OF THE 2001-02 PAVEMENT REHABILITATION PROGRAM</u></b> .....	<b>59</b>
<b><u>Recommended Action(s):</u> <u>Approve</u> Proposal and <u>Authorize</u> the City Manager to Execute an Amendment to the Professional Services Agreement with Harris and Associates for the Design, Construction Management and Inspection of the 2001-02 Pavement Rehabilitation Program from \$96,150 to \$116,860.</b>	
4) <b><u>AWARD OF CONTRACT FOR MONTEREY/KEYSTONE SEWER AND WATER REPLACEMENT PROJECT</u></b> .....	<b>65</b>
<b><u>Recommended Action(s):</u> <u>Award</u> Contract to Monterey Peninsula Engineering (MPE Engineering) for the Construction of the Monterey/Keystone Sewer and Water Replacement Project in the Amount of \$275,910, Subject to City Attorney Review and Approval.</b>	

5)	<b><u>COMMUNITY AND CULTURAL CENTER PROJECT JANUARY CONSTRUCTION PROGRESS REPORT</u></b> .....	67
	<b><u>Recommended Action(s): Information Only.</u></b>	
6)	<b><u>APPROVAL OF SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P. - DIGITAL DRIVE</u></b> .....	75
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Appropriate</u></b> \$310,179 from the Current Year Unappropriated Traffic Impact Fee Fund for This Reimbursement; and	
	2. <b><u>Authorize</u></b> City Manager to Sign Supplemental Improvement Agreement for the Reconstruction of the Cochrane Road and Sutter Boulevard Intersection.	
7)	<b><u>SUBDIVISION APPLICATION SD-01-07: SUNNYSIDE-SOUTH VALLEY DEVELOPERS</u></b> .....	83
	<b><u>Recommended Action(s): Take No Action</u></b> , thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
8)	<b><u>MID-YEAR 2001/02 BUDGET REVIEW</u></b> .....	105
	<b><u>Recommended Action(s): Approve</u></b> Proposed Mid-year Budget Adjustments for 2001/02.	

## ***City Council & Redevelopment Agency Action***

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
9)	<b><u>APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JANUARY 30, 2002</u></b> .....		109
10)	<b><u>APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 6, 2002</u></b> .....		129

## ***City Council Action***

### **PUBLIC HEARINGS:**

	Time Estimate		Page
11)	40 minutes	<b><u>ZONING APPLICATION ZA-01-13: SUNNYSIDE-SOUTH VALLEY DEVELOPERS</u></b> .....	167
		<b><u>Recommended Action(s):</u></b> Request Staff Presentation.	
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action -	<b><u>Motion to Approve</u></b> Mitigated Negative Declaration.
		Action-	<b><u>Motion to Waive</u></b> the Reading in Full of the Residential Planned Development (RPD) Ordinance No. 1548, N.S.;
			<b><u>Motion to Introduce</u></b> Ordinance No. 1548, N.S. by Title Only.
			(Roll Call Vote)

## ***City Council Action***

### **OTHER BUSINESS**

	<b>Time Estimate</b>		<b>Page</b>
12)	5 minutes	<b><u>PROCESS FOR APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS</u></b> .....	201
		<b><u>Recommended Action(s):</u></b> <b><u>Direct</u></b> Staff Regarding the Process for Appointments by Either Full City Council or Council Subcommittee(s) to Fill Vacancies.	

## ***City Council & Redevelopment Agency Action***

### **OTHER BUSINESS**

	<b>Time Estimate</b>		<b>Page</b>
		<b><u>SECOND READING OF ORDINANCE:</u></b> Full Reading Waived By Majority Vote. (Government Code Section 36934) <b>Action -- <u>Adopt</u></b> Ordinance by roll call vote.	
13)	1 minute	<b><u>ADOPT ORDINANCE NO. 1547 NEW SERIES</u></b> .....	205
		An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment to a Precise Development Plan for an 18-unit Single-family Project on an 11.51 - Acre Site Located on the North Side of East Central Avenue, East of Calle Mazatan Avenue (APNs 726-27-04 and 05)	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**